



November 22, 2023

[VIA CM/ECF]

Hon. Mary Kay Vyskocil
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Hughes v. Zarrab*, No. 23-cv-6481-MKV

Dear Judge Vyskocil,

We represent plaintiffs in this matter, and pursuant to the Court’s November 15, 2023 Scheduling Order (ECF 24), write to inform the Court that plaintiffs do not intend to amend their complaint before Halkbank’s motion to dismiss is filed.

Plaintiffs’ decision is based on the contents of Halkbank’s pre-motion letter (ECF 20). That three-page letter necessarily contained only summaries of arguments Halkbank intends to make in its forthcoming motion, for which it requested a page enlargement due to its “complexity.” *Id.* at 3. For example, Halkbank’s letter merely identified certain arguments for dismissal by moniker (*e.g.*, “statute of limitations” or “acts of war”) without any supporting explanation. Similarly, Halkbank’s letter did not address certain specific jurisdictional allegations (for example, that Halkbank unlawfully moved at least \$1 billion through the U.S. financial system)—and it is thus unclear how Halkbank intends to attack jurisdiction. Once Halkbank files its motion and its actual arguments are clearer and fully developed, amendment may be appropriate.

Accordingly, plaintiffs do not waive—and expressly reserve—their right to amend the complaint, as permitted by Federal Rule of Civil Procedure 15, once they receive and can review Halkbank’s motion papers. *See* Fed. R. Civ. P. 15(a)(1)(B) (“A party may amend its pleading once as a matter of course within . . . 21 days after service of a motion under Rule 12(b).”). Should plaintiffs decide to amend at that time, we would follow the Local Civil Rules and this Court’s Individual Rules of Practice in Civil Cases, including Individual Rule 4(C), in doing so. Plaintiffs also respectfully reserve the right to request leave of Court to amend their complaint at a later date.

Respectfully submitted,

/s/ Adam J. Goldstein

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